

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 522 OF 2006

1. M/s. Truly Creative Developers Pvt.]
 Ltd. & Anr.]..Petitioners

V/s.

1. The State of Maharashtra & 4 ors.]..Respondents

Mr. A.Y. Sakhare, senior Advocate with Mr. S.L. Salunkhe for the petitioners.

Mr. Milind More, AGP, for respondents No.1 and 2.

Mr. G.D. Uttangale for respondent No.3.

Mr. V.A. Thorat, senior Advocate with Mr. Nitin Shukla for respondents No.5 and 6.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA, JJ.

DATED : 04TH APRIL, 2006

P.C.

. Rule. Heard forthwith.

2. The controversy in this Petition can be disposed of by passing a short order. Petitioner No.2 is a Society which has proposed a SRA Scheme for plots identified under CTS No.84, 85 and 88/part. Annexure II was issued on 6th November, 2003. That indicates that there were 309 eligible structures of which 291 structures were residential, 7 structures were

residential-cum-commercial, 11 were commercial, 1 an Office and 2 structures were temples. Out of 309 eligible slum dwellers, the Annexure discloses that 227 slum dwellers had given their consent in writing to the proposed SRA Scheme. It appears that thereafter Annexure II has been amended. By this amendment, the number of eligible structures has gone up from 309 to 646. Subsequent to 7th July, 2005, or may be earlier also, it appears that one more Society has raised objections on the ground that they have the support of a majority of the residents in respect of whom the SRA Scheme was proposed. The other Society also claims under the Scheme for the same survey numbers. Some correspondence has been exchanged between respondent No.3 and respondent No.2 in the matter of verification. Similarly, it appears that some directions have been issued by the Principal Secretary (Housing). For the order to be passed, in our opinion, it is not necessary to refer to the averments made in the Petition.

3. Considering that petitioner No.2 who are a proposed Society had already moved for SRA Scheme and they had produced agreements from 227 out of 309 eligible structures and now there are additions, the ends of justice would met if the Petition is disposed of

by issuing the following directions:

(i) Respondent No.2 to examine the agreements which petitioner No.2 has with the eligible hutment dwellers and after verifying the eligibility, if it is found that they have the support of more than 70% of those eligible, then to forward the same to respondent No.3 which will take further steps to issue LOI.

(ii) If, on the other hand, respondent No.2 comes to the conclusion that petitioner No.2 does not have the support of 70% of the eligible hutment dwellers, then to consider the proposal of the Shiv Darshan Cooperative Society (Proposed) and carry out the same exercise as set out in the earlier part of this order.

(iii) The verification to commence and to be completed within a period of six weeks from today insofar as the claim of the petitioner No.2 is concerned. If the claim of petitioner No.2 is not accepted, then to

scrutinize the claim of Shiv Darshan Cooperative Society (Proposed) and dispose of their claim within four weeks thereafter.

4. Rule made absolute accordingly. There shall be no order as to costs.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOO V. MOHTA, J.]